

SENATE JUDICIARY & RULES COMMITTEE

ADMINISTRATIVE RULES REVIEW

Table of Contents

2006 Legislative Session

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - Rules Governing the Idaho State Veterans Cemetery

Docket No. <i>21-0104-0501 (Fee Rule)</i>	2
---	---

JUDICIARY & RULES

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY

DOCKET NO. 21-0104-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 65-202, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 240 and 241.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 65-202, Idaho Code. In most cases, VA pays the Veterans Cemetery interment fee of \$300 unless the interment is in an area of the cemetery where there are no pre-placed crypts. The additional fee of \$300 for interments in areas of the Veterans Cemetery that do not have pre-placed crypts must be paid by the individual requesting those sites.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joseph S. Bleymaier, 208-334-3513.

DATED this 5th day of October, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 65-202, Idaho Code.

JUDICIARY & RULES

DIVISION OF VETERANS SERVICES
Rules Governing the Idaho State Veterans Cemetery**Docket No. 21-0104-0501**
PENDING FEE RULE

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Change in Chapter 4 allows the State Veterans Cemetery to charge an additional \$300 for interments in areas of the cemetery where there are no pre-placed crypts.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The Department of Veterans Affairs burial benefit is \$300 but it only covers interments in areas of the cemetery where there are pre-placed crypts. If a veteran or spouse elects to be interred in an area where there are no pre-placed crypts, an additional fee of \$300 is needed to place a crypt in that area.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joseph S. Bleymaier, 208-334-3513.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 4th day of August, 2005.

Joseph S. Bleymaier
Division Administrator
Idaho Division of Veterans Services
20 Collins Road
Boise, Idaho 83702
(208) 334-3513 or fax (208) 334-2627

JUDICIARY & RULES

DIVISION OF VETERANS SERVICES
Rules Governing the Idaho State Veterans Cemetery

Docket No. 21-0104-0501
PENDING FEE RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. IDAPA 21.01.04 incorporates by reference the following: (5-3-03)

a. The full text of 38 C.F.R. Section 1.620, dated July 1, 2001. (5-3-03)

b. 38 U.S.C.A. Section 2402, ~~1991 main volume, 2002 pocket part, Code of Federal Regulations, published by the Office of the Federal Register National Archives and Records Administration~~ (2004 and Supp. 2004). (5-3-03)()

02. Document Availability. Copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402-0001. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

024. Fees For Interment, Disinterment, And Reinterment.

The administrator shall charge the following fees: (3-16-04)

01. Interment.

a. The administrator shall charge a fee of three hundred dollars (\$300) for opening and closing an interment site containing a pre-placed crypt. The administrator shall accept, as full payment the amount of reimbursement by the USDVA to the division for opening and closing an interment site containing a pre-placed crypt for a qualified veteran. (3-16-04)()

b. In addition to the fee charged under Paragraph 024.01.a. the administrator shall charge a fee of three hundred dollars (\$300) for preparation of an interment site not containing a pre-placed crypt. ()

02. Disinterment. The administrator shall charge a fee of three hundred dollars (\$300) for opening an interment site. The expenses of removal, transportation and reinterment of remains, and the expenses of removal, transportation and reinstallation of the grave marker, if any, shall be paid by the applicant for disinterment. (3-16-04)

03. Reinterment. The administrator shall charge a fee of three hundred dollars (\$300) for reinterment. The expenses of reinterment of remains and reinstallation of the grave marker, if any, shall be paid by the applicant for reinterment. (3-16-04)